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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT
DIVISION TWO

In re CHRISTOPHER Y., a Person Coming
Under the Juvenile Court Law.

JENNIFER Y.,
Petitioner,

v.

THE SUPERIOR COURT OF
MENDOCINO COUNTY,
Respondent;

MENDOCINO COUNTY DEPARTMENT
OF HEALTH AND HUMAN SERVICES,
FAMILY AND CHILDREN'S
SERVICES,

Real Party in Interest

A155879

(Mendocino County
Super. Ct. No. SCUK-JVSQ-1717818)

Petitioner Jennifer Y. (Mother), mother of 21-month-old Christopher Y., seeks review by extraordinary writ, pursuant to California Rules of Court, rule 8.452, of the juvenile court's orders terminating reunification services and setting the matter for a permanency planning hearing, pursuant to Welfare and Institutions Code section 366.26.¹ Mother contends substantial evidence does not support the juvenile court's finding that

¹ All further statutory references are to the Welfare and Institutions Code unless otherwise indicated.

the Mendocino County Department of Health and Human Services, Family and Children’s Services (Department) provided her with reasonable services due to its (1) failure to assist her with obtaining timely mental health services, and (2) suspension of visitation for six weeks before filing a section 388 petition for modification requesting termination of visits. We shall deny the petition for extraordinary writ.

FACTUAL AND PROCEDURAL BACKGROUND²

On December 19, 2017, the Department filed an original petition alleging that then seven-month-old Christopher came within the juvenile court’s jurisdiction, pursuant to section 300, subdivision (b)(1), due to Mother’s chronic substance abuse and her chronic untreated mental illness issues, and subdivision (j), due to her failure to reunify with Christopher’s older half sibling, K.M.

At the conclusion of the December 21, 2017 detention hearing, the court noted “that there’s a number of fairly significant allegations regarding a seven-month-old child. Nearly a seven month old is extraordinarily vulnerable, dependent on a parent for all aspects of safety and care.

“Mother, according to the social worker, was found living in a household that did not meet minimal community standards for health and safety. There are concerns about mother’s mental health, her behavior was described as erratic, belligerent, incoherent at times, not making sense.

“There was a prior dependency case regarding a half sibling which was concerning to the court because this does tend to show that this is [not] a transient temporary condition [and] in fact is an on-going issue of untreated or inadequately treated mental health.

² The parties are of course familiar with the facts of this case. We will therefore provide a general background, providing more detail where the facts are relevant to the issues raised in this writ petition. In addition, many of the facts regarding events that occurred before Mother’s prior appeal in this matter, in which she challenged the juvenile court’s jurisdictional orders, are taken from our opinion in that appeal. (See *In re Christopher Y.* (Dec. 28, 2018, A154257) [nonpub. opn.])

“There are a lot of referrals regarding this mother and while referrals by themselves are not sufficient, it does tend to show a pattern of behavior over time which is concerning as to Mother’s ability to safely care for Christopher.” The court then ordered Christopher detained, pending the jurisdictional hearing.

At the conclusion of the February 14, 2018 jurisdictional hearing, the court sustained the allegations in the petition. The court stated that it had taken judicial notice of and reviewed the jurisdictional allegations and findings from the prior case involving K.M. The court then found, “[w]ith respect to the current petition it’s a case where there’s a tremendous amount of smoke. And the question is does it rise to the level of a petition I can sustain? In all honesty if it were just based upon this petition I’m not sure I could. [¶] But based upon the history of [Mother] I do find that [the allegations in the petition] are sustained by a preponderance of the evidence.”

The court explained: “There’s a credibility issue [Mother] has with the court. It’s not so much from the number of visits, because I can understand that. It’s hard to remember whether it’s three, four or five, but the court doesn’t find credible the fact that marijuana was completely away from the minor, yet the minor still smelled of marijuana. [¶] . . . [¶]

“The emotional or mental health issues, they were also part of the prior case. And I can appreciate the fact that [Mother] has gone to Chicago for emotional support of her family. I’m not saying there’s anything untoward about getting support from your family, but I do find because of the fact there has been an ongoing mental health issue for over two years, and I’m not convinced it’s been resolved. [¶] I think that still needs to be addressed by [Mother] and she needs to address it upfront with the Department and try to be cooperative. . . . [¶] . . . [¶]

“[Mother], it’s the other kind of behavior that when you’re interacting with the Department and other individuals, and it’s a sequence from what was occurring two years ago with [K.M.’s] case. [¶] I also see in [K.M.’s] case that at the time of the report that was done that concluded the case there that you had at that point completed 24 of 52 weeks of anger management [¶] . . . [¶] And you did not get joint custody coming

out of that case. It was sole legal and sole physical custody to [K.M.'s father] and you had visitation once a week. . . . So there are other things I—that give rise to the credibility questions. . . .”

At the March 15, 2018 dispositional hearing, the Department informed the court that it had decided it would be appropriate to provide reunification services to Mother only and requested time to complete the case plan. The court ordered reunification services, including a psychological evaluation, for Mother. The court ordered the bypass of services for Father. It then set a hearing date to adopt Mother's case plan and finalize her dispositional orders.

At the March 28, 2018 continued dispositional hearing, Mother appeared by telephone from Chicago. The court ordered out of home placement for Christopher and reunification services for Mother, to begin when Mother returned from Chicago on April 8. Mother's case plan objectives included substance use disorder treatment, mental health services, and parenting skill development. Specifically, with respect to mental health services, the case plan objective was to “comply with medical or psychological treatment,” including “attend[ing a] court-ordered psychological evaluation as scheduled” and following the evaluation's treatment recommendations; attending scheduled appointments with a psychiatrist for psychiatric care and medication management, if recommended; and “attend[ing] and successfully complet[ing] counseling with a therapist approved by [the Department] to address issues specific to [Mother's] mental health diagnosis and the treatment recommendations of the psychological evaluation.”

The case plan further required Mother to “[s]tay free from illegal drugs and show [her] ability to live free from drug dependency,” including compliance with required drug testing, participation in a substance abuse assessment and following all treatment recommendations, and identification of a relapse prevention plan.³

³ It was subsequently determined that Mother did not have a substance abuse issue requiring separate treatment, thereby satisfying the substance abuse related objective in her case plan.

The case plan also required Mother to maintain a relationship with Christopher by following the conditions of the visitation plan, which included regularly participating in supervised visitation and provided that “[i]f the visits are cancelled due to the parents’ behavior, parents must meet with the social worker to resolve the problem, prior to recommencing visitation. . . .”

The case plan further required Mother “to sign appropriate releases of information so that the court and [the Department] may be apprised of the progress of the Service Plan, . . . and meet with the social worker on a monthly basis.”

Finally, the case plan required that Mother “consistently, appropriately and adequately parent [her] child,” which included completion of eight weekly “Family and Children’s Services Intake Support Group” (ISG) sessions, followed by weekly participation in “Family Empowerment Group,” (FEG) and, finally, completion of the “Positive Parenting Program” (Triple P) series.

At the April 26, 2018 30-day review hearing, counsel for the Department noted that Mother had been out of state and out of contact with the social worker for more than a month, which made it impossible for her to participate in her case plan, including drug testing, a psychological evaluation, and visitation. Mother appeared by phone and told the court that she had recently had emergency oral surgery and was now on her way back to California. The court told Mother she needed to contact the social worker “to complete the psychological evaluation and engage in the remaining aspects of the case plan.”⁴ The court also granted Christopher’s counsel’s request that the foster parent be given educational rights, stating that Mother had “been unavailable, inaccessible, and uninvolved in the progression and development of [her] child.”

At the May 24, 2018 60-day review hearing, Mother’s counsel told the court that Mother was “doing incredibly well,” but that she had hit some barriers, such as being

⁴ The court’s order from this hearing notes that the court requested that the minutes reflect that Mother was interrupting all parties and talking over the court after being instructed to listen and not speak.

placed on a wait list for a substance abuse program and not receiving needed gas vouchers. Counsel for the Department stated that the Department needed to get Mother off the wait list and the court also told the Department to “take a good look” at the gas voucher issue and to provide Mother with gas vouchers if possible.

On July 27, 2018, the court granted the foster mother’s request for de facto parent status.

In the six-month status review report filed on September 18, 2018, the social worker included a copy of an email she had received from Mother’s former counsel on January 25, stating that he had spoken with Mother’s clinical psychologist who said that Mother was in ongoing therapy with him. He had seen her 17 times over the prior 20 months. He disagreed with Mother’s prior diagnoses and did not believe she suffered from any severe mental illness. He had diagnosed her with mild to moderate symptoms of anxiety and depression, which he did not believe required medication. He believed her conditions were treatable through talk therapy, which he was providing. The psychologist further stated that Mother had made “significant progress since they began treatment to deal with her symptoms in an appropriate way.” He did not believe her mental health symptoms impaired her ability to adequately care for or protect Christopher.

The social worker further reported that Mother had not shown up for her psychological evaluation, which was scheduled for July 5, and the appointment was rescheduled for September 12. The delivered service log attached to the report provided a chronology of events related to the psychological evaluation. On March 30, 2018, the social worker sent an email to Dr. Prosniowski attempting to schedule an appointment for Mother. On May 8, Mother left a voicemail for the social worker, stating that her attorney had directed her to contact the social worker to, inter alia, schedule a psychological evaluation. On May 16, the social worker sent another email to Dr. Prosniowski stating that Mother “is finally back in town. Is this June 5th appt still available?” Dr. Prosniowski replied that the appointment was no longer available, and

her earliest free appointment was now July 17. The social worker asked if the doctor had anything available sooner in Ukiah, but she did not.

On May 24, 2018, the social worker spoke to Dr. Singer to inquire about her next available appointment for a psychological evaluation. Dr. Singer said her next available appointment was June 6; the social worker said she would call back on May 29 to confirm the appointment. Also on May 24, the social worker left a voicemail for Dr. Speicher to inquire if she had a psychological evaluation appointment available before June 6. On May 28, Dr. Singer sent a text message to the social worker to inform her that she would not be able to meet with Mother after all because she had another case that was taking more time than anticipated. On June 18, the social worker sent an email to Dr. Prosiewski asking when her next available appointment would be for a psychological evaluation. On that same date, the social worker spoke to Dr. Singer, who stated that she was not taking any new clients until October. Also on June 18, 2018, the social worker sent an email to the attorneys in this case, stating: "It has been a challenge nailing down a psych eval for the mother. I was able to speak with Dr. Speicher today and she has agreed to see the mother on 7/5"

On June 28, the social worker assistant noted that she had spoken to Mother and told her that the social worker could drive her to the psychological evaluation appointment or could issue her a gas voucher. Mother said she gets very carsick, so she could not ride with the social worker assistant. The social worker assistant told Mother to pick up a gas voucher on July 3 or July 5 before the appointment. Following a visit on July 3, another social worker assistant issued Mother the gas voucher for her July 5 appointment.

On July 5, Mother's social worker received a call from Dr. Speicher, stating that Mother had not arrived for her scheduled psychological evaluation. The social worker called Mother, but her phone did not ring. The social worker then emailed the attorneys in this case to inform them that she had not shown up for her appointment. Mother's attorney replied that she received a text from Mother from a new number; Mother said her gas vouchers had been canceled. Counsel for the Department replied that that was no

excuse and if “the vouchers didn’t work (never heard of that happening) she should have let someone know. . . . [¶] We have no choice but to reschedule ASAP but her no-show is on her, and any attempt to argue reasonable services based on any failure to do something that may come out of the psych eval (if she ever gets one) will obviously be opposed.”

Following a meeting with Mother on July 10, 2018, the social worker noted that they had discussed Mother missing the psychological evaluation, and Mother “explained that she messed up and when she looked at the message and read the 7 on it she assumed it was the 7th of July and in fact it was the 7th month. She took ownership for her mistake and was very please[d] to hear from [the social worker] that it was possibly getting rescheduled.” On July 16, the social worker noted that she had spoken to Dr. Speicher to reschedule Mother’s missed evaluation, and the evaluation was now scheduled for September 12. The social worker then emailed the attorneys with this information. Mother’s counsel thanked her for rescheduling and asked that someone in the Department “remind [Mother] a week before and the day before (if she does not change her phone number).”

With respect to visitation, Mother had started visiting with Christopher on January 11, 2018, four weeks after he entered foster care. After two weeks of visits, Mother was out of state for three weeks; she next visited Christopher on February 13, before again going out of state for three weeks. Mother next visited Christopher on March 15, but was then out of state for another seven weeks.

The visits became more regular starting May 9, 2018, but Mother became argumentative with supervising staff during many visits and would not deescalate or follow attempts at redirection. The social worker instructed Mother to make a note of her concerns to discuss with staff after visits and to focus on building the relationship with Christopher during visits. Mother struggled with following this instruction and there were repeated instances of Mother yelling at staff in front of Christopher, “forc[ing] Christopher to comply, grabbing him by the ankles and pulling him back to her while scolding him loudly, and holding him against his will.” Mother’s behavior had resulted

in Christopher “displaying adverse reactions and presenting with regressive, self-injurious behaviors.”⁵ Due to Mother’s lack of insight into how her behaviors affected Christopher, her lack of behavioral change, and growing concerns about Christopher’s emotional well-being, Mother’s visits were suspended after a visit on August 23.

Mother had met the case plan objective that she stay free from illegal drugs and comply with all required drug tests in that she had only tested positive for marijuana, for which she had a medicinal marijuana card. Mother had completed the eight-week ISG related to parenting skills, and had started the FEG program, but the program’s facilitator’s recommended she return to the ISG due to her disruptive behavior and her apparent need for more one-on-one attention.

The Department recommended termination of Mother’s reunification services and the setting of a section 366.26 hearing.

At a September 11, 2018 review hearing, the court stated that it was aware that Mother had concerns about Christopher’s care in his foster home and set the matter for the six-month review hearing to be held in two weeks, on September 25. Counsel for Mother then informed the court that the Department had suspended Mother’s visits, and that the Department had initially stated incorrectly that the visits had been “terminated.” Counsel for the Department responded that the social worker attempted to immediately correct the mistake, but Mother hung up on her before she could explain. Christopher’s

⁵ Excerpts from the Department’s visit log showed that Christopher repeatedly attempted to avoid Mother during visits. As a visit supervisor reported on July 18, “ ‘The majority of the visits go the same: he doesn’t want to go to her, clinging to my arm, she tries to make him play when he wants to be left alone, she wants to hold him and he becomes agitated and cries to be let down, mom says he’s grumpy, he cries more, visit ends with him nearly running to me when I open the door. He then leaps into [the foster mother’s] arms when he sees her and is back to smiling and giggling.’ ” Christopher’s behaviors after visits included “hitting his face, head butt[ing the foster mother] in the mouth, pulling on his eyebrows, banging his head on the floor, fussy, crying, and not sleeping well.” The visit logs showed that there were also some visits that went well, with Christopher smiling when he saw Mother and interacting with her in a positive way and with Mother acting appropriately.

counsel told the court that she had intended to ask the court at the six-month review hearing to find that visitation was detrimental to Christopher and should not be continued, but now that the hearing was to be continued for two weeks, she was asking that visitation remain suspended until then.⁶

The court responded that the issue was not before it at that time, and it was therefore up to the Department to decide whether to keep visitation suspended pending the upcoming review hearing. Counsel for the Department also responded that visits were “temporarily suspended. The procedure on any case like this is the parent meets with the social worker, they go over the ground rules and understand what happened, and . . . the visitation gets put back in place. We’ve tried to do that; the mom won’t meet with us. So currently they will stay suspended until the mother meets with the [Department].” Mother’s counsel then said that Mother would meet with the Department if counsel could be present by phone or in person, and that counsel “would like to work with” the Department. The court said it was fine with that arrangement if it was workable for the Department.

Although Mother was not at the hearing, the Department’s counsel stated that there was a psychological evaluation scheduled for the following day, “that we expect her to go [to]. She missed the first one without . . . a valid excuse, and it’s essential she goes if she—even if she does get more services it’s going to be critical.” The court asked Mother’s counsel to inform Mother of the evaluation “because if she’s hoping that services may not be terminated this is certainly one of the things she’ll need to do.” Mother’s counsel said she had texted Mother about the evaluation, so Mother was aware of the appointment.

At the September 25, 2018 six-month review hearing, the court granted Mother’s counsel’s request for a continuance due to the Department not providing her with its

⁶ Mother’s counsel stated that she did not believe that there was time to file a section 388 petition for modification requesting termination of visitation to be heard before the next review hearing.

report in a timely manner. Mother then testified about her concerns that Christopher was being abused in foster care.⁷ She described seeing splinters in Christopher's hands and feet during a visit, as well as several visits when he was dirty and disheveled. He also had a rash every time she saw him, had a virus during one visit, and came to visits with lots of bruising and "rotten bottles." Mother believed the Department had suspended her visits because she was showing them more evidence of abuse at every visit. At the conclusion of Mother's testimony, the court said it would not make a specific order "other than I want the Department to stay on high alert with respect to Christopher and his care in foster care."

Mother's counsel then addressed the suspension of visitation, first stating, "I know it's not the court's position to issue a ruling or—nor is there an authority for it, but I do feel there's a communication breakdown at this point with the [Department], with the assigned social worker, and [Mother]." Counsel then said that Mother believed the suspension of visitation occurred because she was pointing out signs of abuse, and she believed the Department was "trying to get in between the bond of her and her child." Counsel noted that the court had previously ordered visitation, there had been no detriment finding, and the court was not permitted to delegate decisions regarding visitation to the social worker. Counsel then offered an "alternative suggestion": that visits take place in a therapeutic setting or with a psychologist.

The Department's counsel responded that it had temporarily suspended visitation, as it did in many cases, due to Mother's "over-the-top behavior and overreactive behavior and refusal to accept explanations," until Mother met with the social worker to go over a list of rules and discuss the issues that had "been plaguing the visitation." After that, visitation would be restarted. The Department had repeatedly attempted to meet with Mother to implement this "administrative remedy," but Mother refused to meet with the social worker without her attorney present. The Department was waiting for Mother to

⁷ Mother's counsel had filed a declaration on September 7, 2018, describing the alleged abuse and the Department's lack of responsiveness.

give her a date when she could bring in her counsel to meet with the social worker, but Mother had not responded.

Christopher's counsel stated that Mother needed to meet with the Department to determine if it would even be appropriate to restart visits due to concerns about Christopher's emotional well-being as a result of visits. Counsel expressed concern about Mother's "explosive behaviors" that were occurring in front of Christopher, as well as about his physical well-being based on Mother dragging him by his ankles during a visit.

The court stated that a judgment about terminating visitation was not before it because of the continuance of the six-month review, but the court found it was "entirely appropriate on the part of the Department" to temporarily suspend visitation because of the "significant concerns, expressed in the report about the quality of the visitations." The court told Mother that she needed to meet with the Department, with her attorney present if she wished, if visitation was going to be "unsuspended." The court concluded: "So, as to visitation, that's the remedy at this point. This is not a termination of visitation at this point. This is a suspension until you meet with the Department. [¶] We do this with some frequency." The court also said it was "not going to order therapeutic visitation right now. If that's what comes out of the hearing, the six-month hearing, then I'll consider it then. [¶] But we're having a hearing in this coming up as soon as possible. Hopefully next week. [¶] But at this point in time, the recourse is to meet with the Department and with your attorney, if you wish."⁸

⁸ Mother's counsel also informed the court that Mother's psychological evaluation was canceled and had been rescheduled for November. Counsel for the Department then brought "an oral motion in limine" to have testimony regarding the upcoming psychological evaluation deemed irrelevant given that Mother had missed the earlier evaluation, scheduled for July 5. Therefore, even if the evaluation rescheduled for September 12 had gone forward, it would have been too late for the six-month period at issue at the next review hearing. Counsel noted that if Mother were given an additional six months of services, it could be relevant at a 12-month review hearing. The court said it would address that issue at the upcoming hearing.

On October 1, 2018, the Department filed a motion in limine to requesting that the court exclude evidence and argument at the six-month review hearing regarding the psychological evaluation that had been scheduled for September 12, 2018. The Department stated that the September 12 evaluation had been postponed due to the Department's inability to get all reports to the psychologist in time.⁹ The evaluation had been rescheduled for November. The Department asserted that the missed July evaluation would have had an impact on the analysis of Mother's compliance with services at the six-month review hearing, whereas the September evaluation would have no bearing on the six-month reporting period, which was complete by the time the evaluation was scheduled to take place. The Department therefore argued that the court should not permit Mother to use the circumstances surrounding the delay in the September evaluation to argue that services should be extended to 12 months.

At the October 4, 2018 six-month review hearing, the court reset the matter for October 17 due to the absence of Mother's counsel. However, counsel specially appearing for Mother told the court that visits were not occurring and that the Department could not cancel visits unless it filed a successful section 388 petition for modification. The court responded that if Mother had met with the social worker, visitation should continue until the next hearing and be terminated only if the court were to then make a detriment finding. Mother's substitute counsel said that Mother had met with the social worker the day before; counsel for the Department said her understanding was that the meeting had not gone well. The court responded that if the Department believed visitation should not take place pending the continued six-month review hearing, it should file a motion right away and put the matter on calendar. Otherwise, it needed to schedule visitation. The court concluded that it and the Department were on notice that there may be a reasonable services argument in any event.

⁹ The Department noted in the motion that the six-month review hearing had been continued from September 11 to October 4, 2018, because the Department had not yet submitted its six-month review report. The report was filed on September 18.

On October 10, 2018, the Department filed a section 388 petition for modification asking the court to terminate Mother's visitation with Christopher and to make a finding of detriment as to visitation. The petition stated that the social worker had met with Mother and her attorney by phone on October 2, and Mother "was unable to link her negative behaviors to how it affected the child. [Mother] was defensive, argumentative and would not consider taking responsibility for her actions." The petition stated that the order would be in Christopher's best interest because he was "explicitly displaying increased behaviors that communicate that he does not want . . . visits to continue including but not limited to [being] clingy to staff when visits start, following staff when leaving the visit room, and self-injurious behaviors that are similar to those that he exhibited when he first entered care." Finally, the petition noted that Mother "believes that her visits have been going well and that her behaviors have been appropriate."

At the October 17, 2018 six-month review hearing, the court first addressed the Department's motion in limine, filed on October 1, to exclude evidence regarding events leading up to the rescheduling of the September 12 psychological evaluation. The court granted the motion only as to evidence regarding the rescheduling of the evaluation, but stated that it would consider all relevant evidence through the scheduling of the September 12 appointment.

Social Worker Daisy Alam testified that her first meeting with Mother was on May 9, 2018, after Mother returned to California. Alam had spoken with Mother approximately 10 times regarding her case plan, and attempted to speak with her another 10 times. Their most recent meeting was when Alam met with Mother and her counsel to discuss the behaviors Mother needed to change for visits to resume.

Alam testified that the Department has contracts with four psychologists for psychological evaluations, three of whom work with adults. She spoke with those three psychologists starting in March 2018, and was able to make a July 5 appointment for Mother with Dr. Speicher. After Mother missed the July 5 appointment, Alam made another appointment for her with Dr. Speicher for September 12, which was Dr.

Speicher's first available appointment.¹⁰ She did not contact the other two contracted psychologists because when she had previously spoken to them, they had said they were not available to perform a psychological evaluation until October or November. Alam had not referred Mother for other mental health services because she was informed that Mother was already engaging in mental health counseling and Mother would not provide a release of information as to those services.

Regarding visitation, Alam acknowledged that there were times when Mother behaved appropriately and in a caring, nurturing way during visits.

The court then continued the six-month review hearing to October 31, for further testimony, before turning to the Department's section 388 petition for modification. Christopher's counsel stated that she had "some extreme concerns about the minor engaging in visitation with the Mother. Her behavior is inappropriate in front of the child and the child has had negative responses after visiting with Mother." Counsel further stated that Mother's behavior in front of Christopher was similar to what the court had seen during proceedings in the case. Counsel also said she had observed Christopher being extremely friendly and personable both with counsel and the de facto mother, and his behavior with Mother was very different. Counsel then stated that "it seems to be the mother that is triggering the child" with her "irrational, irate type behavior in front of the child, and it . . . seems that the child is negatively responding."

The court suspended visitation, based on the comments of Christopher's counsel and its own observations of Mother "becoming extremely emotionally upset" during proceedings.

¹⁰ When Mother's attorney began asking the social worker additional questions about the psychological evaluation scheduled for September 12, the court sustained the objection of counsel for the Department based on its prior ruling on the Department's motion in limine that this evidence was irrelevant since it was outside of the six-month period. The court explained that even if that evaluation had taken place, "it wouldn't have been something we would be able to deal with for purposes of this hearing anyway."

On October 25, 2018, Mother filed a notice of appeal from the court's order suspending visitation pending the completion of the six-month review hearing.¹¹

At the October 31, 2018 continued six-month review hearing, Social Worker Alam further testified that Mother's visits were suspended on August 26. She was unable to discuss the issue with Mother because Mother walked out of the meeting in which Alam informed her of the suspension (initially incorrectly deemed a termination) and hung up on Alam when she called her shortly after the meeting. On or around September 11, Alam attempted to set up a meeting with Mother to try to reinstate visitation. Mother's attorney asked Alam to meet with Mother and counsel by phone to discuss visitation, but Alam declined because it was Department policy to meet face-to-face in that situation. Shortly thereafter, Mother did not show up for a scheduled meeting with Alam. Mother's counsel then asked Alam to meet with her and Mother right after the September 28 court hearing, but Alam was not available. A meeting took place a short time later between Alam, Mother, and her counsel regarding visitation. Alam did not provide any referrals after the suspension of visitation to specifically address the behaviors Mother exhibited during visits, but noted that Mother was in an intake support program, which addressed such behaviors one-on-one.

Regarding Mother's mental health issues, Alam testified that once she learned that Mother was seeing a psychologist privately, she did not refer her to another therapist, since that service was already being provided. Mother's prior counsel had informed the Department that Mother's psychologist did not believe she needed any psychiatric medication. Because Mother did not sign a release of information, Alam could not speak with the psychologist regarding Mother's treatment. Alam did not ask Mother whether she was seeing a therapist during the periods she was in Chicago. Alam was the social worker for the latter part of Mother's prior case with Christopher's older half sibling. She did not recall whether Dr. Singer had performed a psychological evaluation on

¹¹ That appeal (case No. A155680) is currently pending in this court.

Mother during that case and she never requested any records from that case to assist her in assessing Mother's psychological needs in this case.

Hillary James, a treatment supervisor for Mendocino County Substance Use Disorders Treatment, testified that she met Mother when Mother came to her office for an assessment. Mother "was extremely upset and emotional." Mother left to call her attorney and when she returned, she was able to engage. After James and another counselor spent an hour with her, Mother "processed a lot" and was able to hear what the counselors were telling her. Once she got through some of her anger, James "saw somebody who was really struggling and . . . really hurting."

Christopher's foster mother testified that she became his foster parent on December 15, 2017. Their household also included the foster mother's husband, their adult son, and two 17-year-olds, one adopted and one fostered. Christopher became fussy when he was teething, but was otherwise a very happy child. No medical professionals had linked his visits to Mother with his fussy behavior. Nearly every time the foster mother picked Christopher up after visits with Mother, she observed behaviors that caused her concern. These behaviors included him "being much more clingy. He doesn't like me to step far away from him. He will cry for long periods, kind of throw himself down. There has been periods [*sic*] when he would, like bang his head. . . ." He would also often wake up during the night and have restless sleep. After visits, he seemed hypervigilant, with a higher level of uneasiness or anxiety, and had a hard time calming himself down.

Mother testified that she was diagnosed with bipolar disorder and a personality disorder when she was in her teens. In addition, during the prior dependency case with her daughter, Dr. Singer had diagnosed her with a personality disorder.¹²

¹² When Mother testified that she had signed releases of information for her doctors in the prior case, the court stated that information from the prior case could not be used and was not relevant to the current matter.

Mother testified that she had asked Department staff for a referral to a parent partner, but never received any referrals. The only mental health referral she received was for a psychological evaluation. She missed the July 5 evaluation appointment because of an issue with gas vouchers and because she attended her class instead of going to the evaluation. When her attorney told her she had missed the evaluation, she thought she must have misinterpreted the date. Her intention had been to attend the evaluation, for which she signed a release of information.

Regarding visitation, Mother testified that during visits, she was very attentive to Christopher, reacted to his cues, and acclimated to his behavior. When asked if there were times she became upset during visits, Mother testified that the social worker once said Christopher is clumsy and hits his head a lot, and then started to laugh. This upset Mother and she wanted to record the social worker, but was asked to leave the office for being out of control. She also got upset during that visit because the social worker informed her that Christopher had been in a car accident a month earlier, but had not told her until then. After another visit, Mother was taking a rotten bottle and soiled clothing she had found in Christopher's backpack as evidence when the social worker tried to stop her from taking the items with her.

Mother described Christopher as very loving and attentive to her during visits. He was always engaged and responsive when she told him what to do. Christopher sometimes pushed away from her when she wanted to hug him and he wanted to play, but not because he was upset with her behavior. During one visit, she grabbed him by his ankles because he was crawling under a chair and she did not want him to eat food that was underneath the chair. Mother's counsel introduced several photographs depicting Mother and Christopher together and smiling during visits.

At the continued six-month review hearing that took place on November 1, 2018, Mother continued her testimony. She repeatedly had problems getting the gas vouchers from the Department. Mother only wanted contact with the Department when her attorney was present, but had missed appointments with the Department only when she

was sick or in Illinois. Mother had recently been kicked out of a parenting group, but the Department did not offer her any other classes instead.

Mother testified that the social worker had told her “that if I couldn’t admit to my emotions being a problem to my son, then I couldn’t see my son.” The social worker gave her no examples. Mother had responded that she did not know why she would admit to doing something if she had not done it and did not see how it was affecting Christopher. The Department did not provide her with any therapy or any other assistance so she could better understand the behavioral changes it wanted.

Mother believed that her communication with social worker Alam was “[t]errible.” Mother requested a new social worker several times because Alam had worked on the prior case and Mother believed she had a conflict of interest in this case based on what had happened before. She found meetings with the social worker productive when they met in person, with her attorney on the phone. Without her attorney present, Mother felt bullied and intimidated by the Department. The Department provided Mother with a cell phone because she did not have a reliable cell phone and because the Department needed to be able to contact her other than through her attorney.

Mother’s counsel played video footage of Mother and Christopher during visits. The court then continued the hearing to November 7, 2018, and Mother was reminded that she had a new psychological evaluation scheduled for the next day.

At the continued six-month review hearing on November 7, 2018, Mother testified on cross-examination that she was not currently taking psychotropic medication. If she were prescribed psychotropic medication, she would take it, depending on the diagnosis and treatment. She was currently seeing the psychologist she had been seeing at the start of the dependency. She met with him monthly for one- to two-hour sessions. She had been seeing him for years, including the entirety of the present case. Mother had not signed a release of information with the Department for this psychologist, although the Department had asked her to do so.

Mother had not met with the social worker monthly because her lawyer had to be present for the meetings. She would participate in additional services if requested, including meeting with a psychiatrist.

In the prior case, Mother completed an anger management program and met with a therapist. She did not take prescribed medication because she preferred “to do things holistically.” It was a decision she made with her doctor, but the court believed she was not following court orders. At the end of the prior case, physical custody of her daughter went to the father, but Mother still saw her regularly.

Counsel for the Department recalled Alam, who testified that she sent an email to all counsel on August 26, 2018, informing them of the suspension of Mother’s visitation. Alam then met with Mother on September 4, but Mother walked out of the meeting. After Alam declined a phone meeting with Mother, she was able to set up a meeting for September 17. Mother did not show up for that meeting and Alam was subsequently told by Mother’s counsel that she was sick. They were able to reschedule the meeting for October 2, and the meeting took place on that date.

During cross-examination by Mother’s counsel, Alam acknowledged that there may at times have been weeks between her contacts with psychologists about scheduling Mother’s psychological evaluation.

Social worker assistant Laura Smith testified about giving Mother gas vouchers for visits. On June 28, 2018, Mother came to the Department office to get a gas voucher for a visit. Smith and Mother also discussed the upcoming July 5 psychological evaluation. Smith told Mother she could get a gas voucher for the evaluation or Smith could drive her to the appointment. Mother said she gets carsick and would drive herself. Smith therefore told her to come in either on July 3 or the morning of July 5 to pick up the voucher.

Kara Mora, social worker assistant, testified that she regularly monitored visits between Mother and Christopher from May to August. During visits, “Christopher avoids mom generally at all costs, tries to get away from her. They are—there has been a few times [*sic*] that they’re . . . loving, interactive, smiling, dancing, playing, giggling,

reading, you know, typical mom/son activities. But the mom's not able to read Christopher's cues during the visits of what he needs." For example, Mother would forcefully try to hold him or make him play with her while he was "whining and pushing away and trying to leave." Before visits, when Mora took Christopher from the foster mother, he would be "happy, smiling, puts his arms out towards me and wants me to hold him." When Mora brought Christopher to the visit with Mother, "it's rare that Christopher will smile. Most of the time he would cling onto my arm and not want to go to the mom." When Mora returned him to the foster mother after visits, Christopher "would almost leap out of my arms."

During about 10 visits, Mother became fixated on an issue with Christopher, argued with the social worker, and lost her temper in front of Christopher. Mother's visits with Christopher were "rocky in the beginning. In the middle they got—they had a few good visits and then they got rocky again." There were two good visits out of a total of approximately 32. Mora did not see Mother's parenting skills progress or see her make any positive behavioral changes during the period of visitation.

Mora also testified that Mother came to talk to her on July 3, 2018, and said she needed gas vouchers to get to a psychological evaluation. After Mora determined that Mother had not picked up the gas vouchers that had been prepared for her at the Department's other office, Mora reissued the vouchers to Mother.

Following the arguments of counsel, the court found by clear and convincing evidence that reasonable services were offered and that there was not a substantial probability that Christopher may be returned within the 12-month period, particularly because there had not been substantive progress on Mother's case plan. The court also found that it would be detrimental to Christopher to have ongoing visits with Mother, and therefore terminated visitation. The court terminated reunification services and set the matter for a section 366.26 hearing for February 28, 2019.

In finding that reasonable services had been provided and that visitation would be detrimental to Christopher, the court explained: "[T]he court wants to start with the fact that the mental health issue, I don't find compelling mother's argument where she

indicated through counsel that she was going through counseling and was going to continue to go through counseling, and then the Department was attempting to get information from [Mother's psychologist] for which there was never a release [of information] signed and that was despite the fact that the Department had requested it to confirm that the services she was getting from [the psychologist] would correspond to what the Department wanted.

"Why that didn't happen I don't know, but I think, you know, it's mostly laid at mother's feet in that regard. And frankly, that's a pattern that happens with a lot of things that have occurred in this case.

"The issue with getting to the psychological evaluation, this is mother's fault. Mother had an opportunity to go to a July 5th evaluation—frankly, it would have been better if it were earlier in the case, but there were circumstances that were in part occasioned by [Mother] why it didn't get scheduled earlier.

"But she failed to go, and whether that's through forgetfulness or resistance I don't know, but the Department did what it needed to do to set up this evaluation and she just didn't do what she needed to do. So there can't be any complaints about the failure to set up an evaluation to tailor services. . . . [¶]

"Vouchers [for gas] in this case are not the issue. . . . There may have been problems with the vouchers, but the Department did a tremendous amount to get these vouchers to work for [Mother]. . . . [¶]

"The thrust of some of this though really comes down to the problems with visitation. . . . [¶] This is a child unfortunately who is—the court finds is afraid [of] or resistant to his mother. And I know [Mother] feels otherwise. I very much appreciated the videos because they did show some heartwarming scenes between mother and Christopher in the visitation.

"But the court is convinced that this is a minor who either because of Mother's outbursts at visitation or for the fact that she doesn't adequately read his cues, he has not been interested in participating actively for the most part with his mother despite the fact that she has been visiting.

“This is also somewhat consistent with the fact that mother goes to the ISG, gets through that, then goes to the FEG and she’s bounced back because the FEG finds that she’s not able to work with them.

“Unfortunately her mental health issues are really getting in the way of her being able to have a healthy relationship with her son. And I wish that she had provided more information about [her psychologist], I wish she had gone to the psychological evaluation, but I don’t find that the Department didn’t do what they were supposed to do in this regard.”

On November 14, 2018, Mother filed a notice of intent to file writ petition. On January 8, 2019, we stayed the section 366.26 hearing, then scheduled for February 28, 2019, pending further order of this court.

DISCUSSION

Mother contends substantial evidence does not support the juvenile court’s finding that the Department provided her with reasonable services. In particular, she argues that (1) the failure to assist her with obtaining a timely psychological evaluation and other mental health services demonstrates that she was not provided with reasonable services related to her untreated mental health issues, and (2) the Department’s suspension of her visitation with Christopher for six weeks before filing a section 388 petition for modification requesting termination of visitation demonstrates a failure to provide reasonable reunification services.

For a child under three years of age at the time of removal, reunification services are presumptively limited to six months. (§ 361.5, subd. (a)(1)(B).)

However, “[t]he court shall not order that a hearing pursuant to Section 366.26 be held unless there is clear and convincing evidence that reasonable services have been provided or offered to the parent . . .” (§ 366.21, subd. (g)(1)(C)(ii); accord, § 361.5, subd. (a)(3).)

“ ‘ “Reunification services implement ‘the law’s strong preference for maintaining the family relationships if at all possible.’ . . .” . . . The department must make a “ ‘ “good faith effort” ’ ” to provide reasonable services responsive to the unique needs of each

family. . . . “[T]he plan must be specifically tailored to fit the circumstances of each family . . . , and must be designed to eliminate those conditions which led to the juvenile court’s jurisdictional finding. . . .” . . . The effort must be made to provide reasonable reunification services in spite of difficulties in doing so or the prospects of success. . . . The adequacy of the reunification plan and of the department’s efforts to provide suitable services is judged according to the circumstances of the particular case. . . . “[T]he record should show that the supervising agency identified the problems leading to the loss of custody, offered services designed to remedy those problems, maintained *reasonable* contact with the parents during the course of the service plan, and made *reasonable* efforts to assist the parents in areas where compliance proved difficult” ’ [Citations.]” (*In re K.C.* (2012) 212 Cal.App.4th 323, 329-330 (*K.C.*); accord, *In re Riva M.* (1991) 235 Cal.App.3d 403, 414.)

During reunification efforts, “[v]isitation shall be as frequent as possible, consistent with the well-being of the child.” (§ 362.1, subd. (a)(1)(A).)

We review the juvenile court’s reasonable services finding for substantial evidence. (*Patricia W. v. Superior Court* (2016) 244 Cal.App.4th 397, 419 (*Patricia W.*); see also *T.J. v. Superior Court* (2018) 21 Cal.App.5th 1229, 1239 [“ “[w]e review the record in the light most favorable to the trial court’s order to determine whether there is substantial evidence from which a reasonable trier of fact could make the necessary findings *based on the clear and convincing evidence standard*” ”].)

I. Services Related to Mother’s Untreated Mental Health Issues

The record reflects that the social worker began her attempts to obtain a psychological evaluation for Mother with one of the three psychologists for adults who had a contract with the Department on March 30, 2018, two days after the dispositional hearing.¹³ After Mother returned from Chicago, the social worker immediately began

¹³ At the time of the March 28, 2018 dispositional hearing, Mother was expected to return from Chicago on April 8, at which time the court said it expected reunification services to begin. Mother, however, remained out of state and out of contact with the

contacting the psychologists in an effort to schedule the earliest possible appointment date. Finally, on June 18, the social worker was able to make a psychological evaluation appointment for Mother with Dr. Speicher for July 5.

This evidence demonstrates that the social worker made early and ongoing efforts to schedule a psychological evaluation for Mother. Although the limited availability of the psychologists with whom the Department had contracts made the social worker's ability to secure an early appointment more challenging, it was primarily the lengthy period Mother was out of state and out of contact with the social worker in the early part of the dependency that kept her from meeting with one of the psychologists at least a month earlier than the July 5 date.¹⁴ Mother points to the three-week period between late May and mid-June during which there was apparently no contact between the social worker and any of the psychologists. This delay, while not ideal, does not render services unreasonable, given the social worker's repeated efforts to schedule the earliest possible appointment for Mother's psychological evaluation, and the evidence showing that there were no appointments available before July 5.¹⁵

Moreover, the evidence shows that once the social worker was able to secure the July 5, 2018 appointment for the psychological evaluation, she timely notified Mother and her counsel of the appointment, and on June 28, social worker assistant Smith offered to either drive Mother to the evaluation or provide her with a gas voucher so she could drive herself. Mother declined the offer of a ride and the evidence shows that social

social worker for an additional month, apparently due to undergoing emergency oral surgery in Chicago.

¹⁴ Mother was out of state on three occasions between January and May 2018, for a total of approximately 13 weeks.

¹⁵ This case is thus distinguishable from *In re T.W.-I* (2017) 9 Cal.App.5th 339, cited by Mother, in which Division Five of this District found that the juvenile court's reasonable services finding was not supported by substantial evidence. In that case, a second revised case plan was not prepared until three months after disposition and was still deficient, and the social services department had failed to identify service objectives, provide the father with information about programs, or arrange more than one telephone visit with the minors during the six-month review period. (*Id.* at pp. 348-349.)

worker assistant Mora gave her a gas voucher for the appointment on July 3. Despite the reminders and the assistance with getting to the appointment, Mother did not attend the psychological evaluation, alternately claiming that she had mixed up the date and had not received a gas voucher. By then, the earliest available appointment date was September 12, one day beyond the six-month review period.¹⁶

The evidence also shows that even though the psychological evaluation was a key initial step in supporting Mother with her mental health issues, the Department still attempted to provide services pending completion of the evaluation. With respect to the requirement that Mother participate in therapy, Mother informed the Department at the outset that she planned to continue her ongoing therapy with a psychologist whose diagnosis differed from earlier diagnoses and who did not think Mother needed medication. The Department was hindered from monitoring the benefit of this therapy or the necessity of other psychological interventions by Mother's refusal to sign a release of information, in violation of her case plan.¹⁷ A release would have allowed the Department to communicate with Mother's psychologist regarding her progress in therapy and to determine any additional mental health needs she may have, pending the psychological evaluation.

In addition, the Department had referred Mother to intake support services, the first step of the parenting education component of her case plan. Although she completed the requisite eight sessions of this program, she was terminated from the next step—the FEG—because of her disruptive behavior and apparent need for more one-on-one attention, with the recommendation that she return to the ISG.

¹⁶ As noted earlier, the court found that the Department's need to postpone that appointment due to delays in preparing the six-month review report was irrelevant to the question of services offered *during* the six-month period.

¹⁷ Mother's case plan required her to provide releases of information to the Department so that the Department and the court could be apprised of the progress with her services, which included her therapy. The only release of information Mother provided was for her psychological evaluation with Dr. Speicher.

The evidence further shows that once Mother was back in the county, she resisted regular contact with the social worker, also required by her case plan, and refused to speak with the social worker without her attorney present. This further complicated the Department's ability to support and monitor Mother's participation in services.

Mother cites *K.C., supra*, 212 Cal.App.4th 323 in support of her argument that the Department did not provide her with reasonable services related to her untreated mental health issues. In that case, following a psychological evaluation, it was recommended that the father undergo a pharmacological evaluation to determine whether his psychological conditions could be alleviated with psychotropic medication. (*Id.* at p. 329.) The social services department's "only attempt to secure such a pharmacological evaluation was to send Father to a public mental health clinic," which declined to perform the evaluation because the father did not meet its criteria for treatment. (*Ibid.*) The department then merely sent him back to the same clinic several times, where each time he was rejected for the evaluation. The appellate court found that the department, which had "made no attempt to secure the evaluation elsewhere or to demonstrate that no other avenues were reasonably available for securing the recommended evaluation," could not be found to have provided reasonable services. (*Ibid.*)

The court noted that "the reasonableness of the services provided may depend to some degree upon the parent's willingness to cooperate in the completion of his or her reunification plan Had Father refused to submit to the recommended medication evaluation, or refused to take such medications as might be recommended, his refusal would presumably have sustained a finding that reasonable services were provided. But here he was never placed in a position where such refusal was possible." (*K.C., supra*, 212 Cal.App.4th at p. 330.) Instead, "the Department appeared to delegate the burden of finding and obtaining suitable services to Father himself—despite the high likelihood that the very issues necessitating treatment would interfere with his ability to obtain it." (*Ibid.*)

Here, in contrast, the Department did *not* "delegate the burden of finding and obtaining services" to Mother. (*K.C., supra*, 212 Cal.App.4th at p. 330.) Rather, as

noted earlier, the social worker attempted to get a psychological evaluation scheduled as soon as possible once Mother returned from Chicago, and the Department did all it could to help Mother get to the scheduled evaluation. Mother nonetheless failed to attend the evaluation, offering various excuses after the fact.¹⁸ Mother also thwarted the Department's attempts to monitor her progress in therapy and to maintain regular contact, as discussed above. The circumstances of this case plainly are not comparable to the social services department's repeated refusal to help the father in *K.C.* obtain a needed medication evaluation. (See *ibid.*; see also *T.J. v. Superior Court*, *supra*, 21 Cal.App.5th at p. 1244 [where mother's participation in individual therapy was essential to reunification, "[b]y placing her on a six- to 12-month waiting list for individual therapy, and then waiting four more months before making an alternate appropriate referral, the Agency failed to address with timely services the root of the problem"].)¹⁹

¹⁸ Mother states that social worker Alam, who had been the social worker for part of the prior dependency case with Christopher's sibling, was aware of Mother's mental health issues in the prior case, but never asked for any of the records from that case, which she asserts "could be used to assess mother's mental health needs" in the present case. However, when Mother testified at the October 31, 2018 hearing that she had signed releases of information for her doctors in the prior case, the court specifically and reasonably found that such information could not be used to determine her needs in the current matter.

¹⁹ This case is likewise not comparable to other cases cited by Mother in which reasonable services were not provided. For example, in *In re Alvin R.* (2003) 108 Cal.App.4th 962, 973, the father had done all that was required of him under his case plan. The child, however, had refused visitation. The child's participation in eight sessions of individual therapy was a prerequisite to conjoint therapy with the father, which was an essential element of the case plan because it could lead to visitation. The caregiver's "schedule and insistence on a therapist near her home were a major obstacle to any reunification efforts. Nevertheless, the Department's only effort to overcome this obstacle was apparently to make a referral to a therapist who had no time available to see [the child]. There was no evidence that the Department made an effort to find other therapists in the area, or that the Department attempted to find transportation for [the child] to see an available therapist further away." (See also *Patricia W.*, *supra*, 244 Cal.App.4th at pp. 422-425 [mentally ill mother was not provided reasonable services where social services agency never secured a psychological evaluation and made no effort to have her properly diagnosed or resolve her medication needs].)

The evidence thus supports the court’s finding that the Department “made a good faith effort” to provide Mother with services to address her mental health issues, to maintain contact with her, and to assist her in areas where compliance proved difficult, but that Mother’s failure to cooperate and abide by the provisions of her case plan undermined the Department’s efforts. (*K.C.*, *supra*, 212 Cal.App.4th at p. 330.)

II. Suspension of Mother’s Visitation with Christopher

The record reflects that Mother’s case plan required her to participate regularly in visitation, and provided that “[i]f the visits are cancelled due to the parents’ behavior, parents must meet with the social worker to resolve the problem, prior to recommencing visitation. . . .” This provision was also included in the court’s March 28, 2018 dispositional order.

Mother began visiting with Christopher regularly in May 2018, after her return from a seven-week trip to Chicago. While some visits went well, Mother regularly became argumentative during visits, yelled at supervising staff in front of Christopher, and would not deescalate or follow attempts at redirection. The social worker instructed Mother to note her concerns and discuss them with staff after visits, but Mother continued to yell at staff and also to force Christopher to comply with her wishes by scolding him, grabbing him, and holding him against his will. Christopher also demonstrated his distress through negative behaviors after visits.

Based on growing concern both about Mother’s lack of insight into the effect of her behavior on Christopher and about Christopher’s emotional well-being, Mother’s visits were temporarily suspended following a visit on August 23, 2018, pending a meeting with Mother to address the issue before restarting visitation, as required by the case plan and the court’s order. The social worker informed all attorneys of this suspension within three days of the last visit. She also attempted to discuss the issue with Mother on September 4, but Mother walked out of the meeting. The social worker then set up a meeting with Mother for September 17, with Mother’s counsel to appear by phone, but Mother did not show up for that meeting; her counsel later said she was ill. At the time of the September 25 hearing, the social worker was still waiting for Mother to

give her a date when she and counsel could meet with the social worker. The court found that it was “entirely appropriate” for the Department to temporarily suspend visitation, in light of its significant concerns, and told Mother she needed to meet with the Department if she wanted visitation reinstated.

At the October 4, 2018 hearing, which was continued to October 17 due to the absence of Mother’s counsel, counsel specially appearing for Mother told the court that Mother had just met with the social worker, and now wanted visits to resume. Counsel for the Department stated that her understanding was that the meeting had not gone well. The court responded that if the Department believed visitation should not go forward pending the now postponed six-month review hearing, it needed to file a motion immediately.

The Department filed a section 388 petition for modification on October 10, 2018, in which the social worker described her meeting with Mother and her attorney on October 2, in which Mother was unable to connect her negative behaviors with their effects on Christopher. She “was defensive, argumentative and would not consider taking responsibility for her actions”; she “believe[d] that her visits have been going well and that her behaviors have been appropriate.” The Department therefore requested that the court find that visits were detrimental to Christopher and terminate visitation. At the October 17, 2018 hearing, the court suspended visitation, pending the six-month review hearing.²⁰

This evidence shows that the Department followed the court-ordered protocol set forth in the case plan by temporarily canceling visits pending a meeting with Mother to address its concerns about visitation and its negative effects on Christopher. It was then Mother who delayed the required meeting with the social worker to discuss visitation. Once the meeting finally took place, it did not lessen the social worker’s concerns, due to

²⁰ Mother notes in her petition, with respect to her visitation, that, “[f]or purposes of this writ, Mother will only be addressing the reasonableness of the services provided to Mother,” and that she would be addressing the court’s October 17, 2018 suspension of visitation in separate briefing in her pending appeal. (Case No. A155680.)

Mother’s refusal to consider the negative impact of her behavior on Christopher. The Department therefore filed a section 388 petition for modification, which led to the court ordering suspension of visitation at the next hearing.²¹ In the circumstances of this case, the Department’s actions in addressing the significant visitation-related issues were reasonable and do not reflect a failure to provide reasonable reunification services. (See *K.C.*, *supra*, 212 Cal.App.4th at p. 330.)

In sum, substantial evidence supports the juvenile court’s finding that reasonable services were provided. (See *Patricia W.*, *supra*, 244 Cal.App.4th at p. 419.)

DISPOSITION

The petition for extraordinary writ is denied on the merits. Our stay of the section 366.26 hearing is dissolved. Our decision is final as to this court immediately. (Cal. Rules of Court, rule 8.490(b)(2)(A).)

²¹ This case is distinguishable from cases cited by Mother, in which the juvenile court had improperly delegated visitation decisions entirely to the caregiver or social worker. (See, e.g., *In re Kyle E.* (2010) 185 Cal.App.4th 1130, 1135 [“In fashioning a visitation order, the court may delegate the responsibility of managing the details of visitation—including time, place, and manner—but not the decision whether visitation will occur”].) Here, the court did not delegate the terms of visitation to the Department, but included in its order the case plan provision requiring a meeting between the social worker and Mother if visits were canceled due to Mother’s problematic behavior, before restarting visitation.

Kline, P.J.

We concur:

Stewart, J.

Miller, J.

In re Christopher Y. (A155879)